

UNITED STATES BANKRUPTCY COURT

FOR THE

**EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

In the Matter of:

GALAL ABDELKADER

Debtor

Chapter 13

Case No. 16-10005-RGM

MOTION TO DISMISS WITH PREJUDICE,
NOTICE OF MOTION TO DISMISS WITH PREJUDICE
AND
NOTICE OF SCHEDULED HEARING ON THIS MOTION

Thomas P. Gorman, Chapter 13 Trustee, has filed this motion to dismiss this Chapter 13 case with prejudice to refiling. The cause for this motion is as follows:

Pursuant to 11 U.S.C. §1307(c) – Lack of Good Faith & Unreasonable Delay By Debtor

This is Debtor's sixth (6th) bankruptcy and fifth (5th) Chapter 13 case. The history of Debtor's past cases are summarized as follows:

- 11-19100-BFK – Chapter 13 case filed 12/22/11, dismissed 4/9/12 upon denial of confirmation;
- 12-17019-RGM – Chapter 7 case filed 11/28/12, discharged 4/9/13;
- 13-13325-RGM – Chapter 13 case filed 7/17/13, dismissed 9/30/13 upon Motion to Dismiss for failure to file tax returns;
- 14-13407-RGM – Chapter 13 case filed 9/13/14, dismissed 12/11/14 upon Motion to Dismiss for failure to file tax returns;
- 15-11233-RGM – Chapter 13 case filed 4/11/15, dismissed 11/10/15 upon Motion to Dismiss for lack of good faith.

Similar to Debtor's prior Chapter 13 cases, Debtor's present case is dependent upon a speculative loan modification for which Debtor testified at his February 9, 2016 Meeting of Creditors that he has already been denied. Additionally, Debtor testified that he is also working on a loan modification for his second property located at 42848 Sidney Place that Debtor's proposed Plan ostensibly surrenders.

Notice and Motion to Dismiss with Prejudice

Galal Abdelkader, Case #16-10005-RGM

Violation of 11 U.S.C. §109(e) – Lack of Regular Income

Debtor's self-employment income of \$3,650.00/mo. stated on his Schedule I cannot be verified. Debtor's 2014 tax returns show total income earned that year was \$8,791.00.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not wish the court to grant the relief sought in the motion, or if you want the court to consider your views on the motion, then on or before five business days prior to the hearing date, you or your attorney must:

File with the court a written response with supporting memorandum as required by Local Bankruptcy Rule 9013-1(H). Unless a written response and supporting memorandum are filed and served by the date specified, the Court may deem any opposition waived, treat the motion as conceded, and issue an order granting the requested relief without further notice or hearing. If you mail your response to the court for filing, you must mail it early enough so the court will receive it on or before five business days prior to the scheduled hearing. You must mail a copy to the persons listed below.

Attend the hearing to be held on March 17, 2016 at 9:30 a.m., in Courtroom 1 on the 2nd floor, United States Bankruptcy Court, 200 South Washington Street, Alexandria, VA 22314. If no timely response has been filed opposing the relief requested, the court may grant the relief without holding a hearing.

A copy of any written response must be mailed to the following persons:

Thomas P. Gorman
300 North Washington Street, Ste.400
Alexandria, VA 22314

Clerk of the Court
United States Bankruptcy Court
200 South Washington Street
Alexandria, VA 22314

If you or your attorney do not take steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

Date: February 24, 2016

/s/ Thomas P. Gorman
Thomas P. Gorman
Chapter 13 Trustee

Notice and Motion to Dismiss with Prejudice

Galal Abdelkader, Case #16-10005-RGM

300 N. Washington Street, #400
Alexandria, VA 22314
(703) 836-2226
VSB 26421

CERTIFICATE OF SERVICE

I hereby certify that I have this 24th day of February, 2016, served via ECF to authorized users or mailed a true copy of the foregoing Motion to Dismiss with Prejudice, Notice of Motion and Notice of Hearing to the following parties.

Galal Abdelkader
Chapter 13 Debtor
42848 Sidney Place
Ashburn, VA 20148

Nathan Fisher, Esq.
Attorney for Debtor
3977 Chain Bridge Rd., #2
Fairfax, VA 22030

_____/s/ Thomas P. Gorman_____
Thomas P. Gorman